

REMARKS

Applicant appreciates the Examiner's thorough consideration provided in the present application. Claims 1-21 are currently pending in the instant application. Claims 1, 2, and 6 have been amended, and claims 13-21 have been added. Claims 1, 2, 4, 6, and 10-12 are independent. Reconsideration of the present application is earnestly solicited.

Allowable Subject Matter

Applicant appreciates the Examiner's indication of allowable subject matter. Specifically, claims 4 and 10-12 have been allowed and the subject matter of claims 8 and 9 has been indicated as being allowable if rewritten in independent form.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 2 and 5 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lee (U.S. Patent No. 5,546,134) in view of Christoff et al. (U.S. Patent No. 6,518,998). Claim 6 has been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Yoshida et al. (U.S. Patent Publ. No. 2004/0165070) in view of Christoff et al. (U.S. Patent No. 6,518,998). Claim 7 has been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Yoshida et al. in view of Christoff et al., and further in view of Eino (U.S. Patent No. 6,120,435). These rejections are respectfully traversed.

Independent Claims 1 and 2

While not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present invention, independent claim 1 has been amended to recite a combination of elements directed to a camera, including *inter alia*

the controller being adapted to determine a brightness level of the digital video signals obtained by the imaging part, to select a predetermined correction value based on the determined brightness level, and to output a command control signal to the image processing circuit, the image processing circuit being adapted to receive the command control signal from the controller.

In addition, independent claim 2 has been amended to recite a combination of elements directed to a camera, including *inter alia*

the controller also including a correction amount determining part adapted to select a predetermined correction amount for the digital video signals according to the brightness level of the digital video signals determined by the brightness determining part, and the controller being adapted to output a command control signal to the correcting part; the correcting part of the signal processing part adapted to receive the command control signal from the controller.

The Applicant respectfully submits that the combination of elements set forth in each of independent claims 1 and 2 is not taught or suggested by any combination of the references cited by the Examiner, including Lee and Christoff et al.

By contrast, Lee column 4, line 66 to column 5, line 11 merely discloses an APL calculator 20 connected to a look-up block 30, but fails to teach or suggest a controller

adapted to obtain a predetermined correction amount (value) for the digital video signals according to the brightness level of the digital video signals, as set forth in each of claims 1, 2, and 6.

Further, Christoff et al. column 3, line 65 to column 4, line 7 merely discloses "the gain value and the exposure time are computed in response to comparing a brightness value to a threshold". Christoff et al. column 5, lines 50-53 merely discloses "instructions corresponding to routines for generating the updated exposure time, gain value, and black levels". The Applicant respectfully submits that the "computing" and "routines for generating" disclosed in Christoff et al. do NOT teach or suggest a controller adapted to select a predetermined correction amount (value) for the digital video signals according to the brightness level of the digital video signals, as set forth in each of claims 1 and 2.

Therefore, independent claims 1 and 2 are in condition for allowance.

Independent Claim 6

While not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present invention, independent claim 6, has been amended to recite a combination of elements directed to a camera, including *inter alia* said microcomputer is adapted to select a predetermined correction value from the EEPROM according to the determined brightness level of the digital image signals, and to output a command control signal to the image signal processing circuit for automatic correction processing of the digital image signals.

The Applicant respectfully submits that the combination of elements set forth in independent claim 6 is not taught or suggested by any combination of the references cited by the Examiner, including Yoshida et al. and Christoff et al.

First of all, the present application and Yoshida et al. were, at the time the invention of the present application was made, commonly owned by Fuji Photo Film Co., Ltd.

Therefore, Yoshida et al. is disqualified as prior art under the provisions of § 35 U.S.C. (c)1.

Furthermore, even if Yoshida et al. were not disqualified as prior art, the invention of Yoshida et al. is deficient as compared with the present invention. For example, Yoshida et al. paragraph [0051] merely discloses a CPU 66 for giving commands for controlling focus of lens 76, and exposure of diaphragm 50. Further Yoshida et al. paragraph [0053] discloses signal processing circuit 58, but there is no indication that CPU 66 is adapted to select a predetermined correction value based on the determined brightness level, and to output a command control signal to processing circuit 58, as is required by claim 6 of the present invention.

Further, as can be seen in Christoff et al. column 3, line 65 to column 4, line 7, this document merely discloses "the gain value and the exposure time are computed in response to comparing a brightness value to a threshold". Christoff et al. column 5, lines 50-53 merely discloses "instructions corresponding to routines for generating the updated exposure time, gain value, and black levels". The Applicant respectfully submits that the "computing" and "routines for generating" disclosed in Christoff et al. do

NOT teach or suggest a controller adapted to select a predetermined correction amount (value) for the digital video signals according to the brightness level of the digital video signals, as set forth in claim 6.

At least for the reasons set forth above, the Applicant respectfully submits that the combination of features set forth in claim 6 is not disclosed or suggested by the references cited by the Examiner, including Yoshida et al. and Christoff et al.

Therefore, independent claim 6 is in condition for allowance.

Dependent Claims

The Examiner will note that dependent claims 13-21 have been added to set forth additional novel features of the invention. As to the dependent claims, Applicant respectfully submits that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations recited by these claims.

Accordingly, independent claim 1, 2, 6, and dependent claims 3, 5, 7-9, and 13-21 are now in condition for allowance.

Claims 4 and 10-12 have been allowed.

Accordingly, all of the claims of the present application should be allowed.

CONCLUSION

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Carl T. Thomsen, Registration No. 50,786 at (703) 208-4030 (direct line) in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: **JAN 30 2007**

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



Marc S. Weiner

Reg. No. 32,181

P. O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

MSW/CTT/ma